

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RAUL PICHARDO *et al.*, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

-against-

CARMINE'S BROADWAY FEAST INC.  
and ALICART, INC. d/b/a THE ALICART  
RESTAURANT GROUP,

Defendants.

No. 15-cv-3312 (RA)(SN)

VALMIR SOUZA, on behalf of himself and  
others similarly situated,

Plaintiff,

-against-

CARMINE'S BROADWAY FEAST INC.  
and ALICART, INC. d/b/a THE ALICART  
RESTAURANT GROUP,

Defendants.

No. 15-cv-4046 (RA)(SN)

MANUEL GUZMAN, on behalf of himself and  
others similarly situated,

Plaintiff,

-against-

CARMINE'S BROADWAY FEAST INC.  
and ALICART, INC. d/b/a THE ALICART

No. 15-cv-4049 (RA)(SN)

RESTAURANT GROUP, )  
 )  
 Defendants. )  
 )

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**IF YOU ARE OR WERE EMPLOYED AT CARMINE'S RESTAURANT  
LOCATED AT 2450 BROADWAY, NEW YORK, NEW YORK, AS A SERVER,  
BUSSER, BARTENDER, OR BARBACK AT ANY TIME BETWEEN AUGUST 4,  
2012 AND THE PRESENT PLEASE READ THIS NOTICE**

***This is a court-authorized notice. This is not a solicitation from a lawyer.***

**A Collective Action Lawsuit May Affect Your Legal Rights**

- Raul Pichardo, Melvin Amadiz, Jose Arcenio Perez, Luis Rodriguez, Valmir Souza, and Manuel Guzman, current and former employees ("Plaintiffs") of the restaurant known as Carmine's located at 2450 Broadway, New York, New York ("Carmine's ") have filed lawsuits on behalf of themselves and all other current and former servers, bartenders, bussers, and barbacks claiming that Carmine's failed to pay them for overtime hours worked and required off-the-clock work that went uncompensated. Carmine's Broadway Feast, Inc. and Alicart, Inc. ("Defendants") are the defendants in these actions.
- Defendants vigorously deny any wrongdoing and/or liability and they assert that at all times they properly paid their employees, including Plaintiffs and all other servers, bartenders, bussers, and barbacks.
- No determination has been made that you are owed any monetary compensation. In fact, the Court has not decided who is right and who is wrong. The Court is not endorsing the merits of these lawsuits or advising you to participate or not to participate in them. Your legal rights may be affected and you have a choice to make, but you are under no legal obligation to respond to this notice.

**If you have any questions, you may contact Plaintiffs' attorneys:**

**Matthew J. Blit, Esq.  
Justin S. Clark, Esq.  
Levine & Blit, PLLC**

**350 Fifth Avenue, Suite 3601  
New York, NY 10118  
Tel. (212) 967-3000  
Fax (212) 967-3010  
mblit@levineblit.com  
jclark@levineblit.com  
www.levineblit.com**

### **BASIC INFORMATION**

**1. Why did I get this Notice?**

Carmine's records show that you worked as a server, bartender, busser, and/or barback between August 4, 2012 and the present.

**2. What are these lawsuits about?**

These lawsuits are about whether all servers, bartenders, bussers, and barbacks were properly paid for all hours worked. Plaintiffs argue that Carmine's failed to properly pay overtime and required servers, bussers, bartenders, and barbacks to work off-the-clock in violation of the Fair Labor Standards Act. Plaintiffs seek unpaid minimum wages, unpaid overtime, liquidated damages, attorneys' fees, and costs.

Carmine's denies these claims and alleges that its servers, bussers, bartenders, and barbacks were properly paid and did not work off-the-clock.

**3. What is a collective action and who is involved?**

In a collective action lawsuit, one or more persons sue on behalf of other people who have similar claims under the Fair Labor Standards Act. All servers, bussers, bartenders, and barbacks who decide to participate in the case by filing the attached "Consent to Sue" form with the Court are known as "opt-in plaintiffs." One Court resolves the issues for everyone who decides to join the case as opt-in plaintiffs.

**4. Is there any money available now?**

No money is available now because the Court has not yet decided whether Carmine's did anything wrong, and the two sides have not settled the case. There is no guarantee that money will ever be obtained. If money is obtained, and you have decided to participate in the lawsuit, you will be notified.

**5. Am I a part of the FLSA Collective Action?**

All servers, bussers, bartenders, and barbacks who were employed at Carmine's at any time between August 4, 2012 and the present are eligible to join the FLSA Collective. You are not a member of the FLSA Collective unless you return the "Consent to Sue" form, which will be filed with the Court.

**6. Can Carmine's fire me or take other action against me because I am a part of this case?**

No. Federal law prohibits Carmine's from discharging or, in any other manner, discriminating against any worker for joining or not joining this lawsuit.

**7. How do I join the FLSA portion of the case?**

If you choose to join the FLSA Collective action, you have to read, sign, and promptly return the "Consent to Sue" form on pages 6-7 of this Notice. The form must be sent to:

**Levine & Blit, PLLC  
350 Fifth Avenue, Suite 3601  
New York, NY 10118**

The form must be postmarked by **[60 days from the date of the notice]**.

**8. What happens if I join the lawsuit?**

If you choose to join this lawsuit, you will be bound by any ruling, settlement, or judgment. You will also share in any proceeds from a settlement or judgment. While this lawsuit is pending, you may be asked to provide information, such as providing relevant documents in your possession, answering written questions under oath, and/or attending a deposition where you will be questioned under oath about your employment at Carmine's.

**9. What happens if I do nothing at all?**

If you do not return the Consent to Join form by [60 days from mailing date], you may not be entitled to share in any amounts recovered by the Plaintiff if they are successful in obtaining an award from a trial or settlement of this lawsuit. If a class is not certified, you will not be affected by any ruling, judgment or settlement rendered in this lawsuit. You should be aware that your federal wage and hour claims are limited by either a two or three year statute of limitations. Delay in joining this action or proceeding separately may result in some or all of your potential claims expiring as a matter of law.

**10. Do I have a lawyer in this case?**

If you choose to join the lawsuit and you do not appoint your own attorney, you will be represented by Levine & Blit, PLLC. More information about Levine & Blit, PLLC, its practices, and its lawyers' experience is available at [www.levineblit.com](http://www.levineblit.com).

**11. Should I go get my own lawyer?**

You have a right to retain your own attorney if you wish to do so. However, you may be responsible for paying that attorney.

**12. How will the lawyers be paid?**

If you are represented by Levine & Blit, PLLC, they will handle these lawsuits on a contingency fee basis, meaning that the attorneys' fees and costs will be determined on a percentage basis based upon the recovery on behalf of the plaintiffs and plaintiffs will not be responsible for fees and/or costs if there is no recovery for the Plaintiffs.

**GETTING MORE INFORMATION**

**13. How can I get more information about the lawsuit?**

If you have any questions or require additional information, please contact:

**Matthew J. Blit, Esq.  
Justin S. Clark, Esq.  
Levine & Blit, PLLC  
350 Fifth Avenue, Suite 3601  
New York, NY 10118  
Tel. (212) 967-3000  
Fax (212) 967-3010  
[mblit@levineblit.com](mailto:mblit@levineblit.com)  
[jclark@levineblit.com](mailto:jclark@levineblit.com)  
[www.levineblit.com](http://www.levineblit.com)**

**PLEASE DO NOT CONTACT THE CLERK OF THE COURT WITH  
QUESTIONS INVOLVING THESE LAWSUITS.**

Dated: \_\_\_\_\_, 2015

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RAUL PICHARDO *et al.*, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

-against-

CARMINE'S BROADWAY FEAST INC.  
and ALICART, INC. d/b/a THE ALICART  
RESTAURANT GROUP,

Defendants.

No. 15-cv-3312 (RA)(SN)

VALMIR SOUZA, on behalf of himself and  
others similarly situated,

Plaintiff,

-against-

CARMINE'S BROADWAY FEAST INC.  
and ALICART, INC. d/b/a THE ALICART  
RESTAURANT GROUP,

Defendants.

No. 15-cv-4046 (RA)(SN)

MANUEL GUZMAN, on behalf of himself and  
others similarly situated,

Plaintiff,

-against-

CARMINE'S BROADWAY FEAST INC.  
and ALICART, INC. d/b/a THE ALICART

No. 15-cv-4049 (RA)(SN)

RESTAURANT GROUP, )  
 )  
 Defendants. )  
\_\_\_\_\_ )

**CONSENT TO SUE**

By my signature below, I consent to join as a party plaintiff the above-captioned lawsuits currently pending in the United States District Court for the Southern District of New York, Case Nos. 15-cv-3312, 15-cv-4046, 15-cv-4049 (RA)(SN), that asserts claims under the Fair Labor Standards Act. Unless I indicate otherwise, I hereby designate the law firm of Levine & Blit, PLLC as my attorneys in this matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Address: \_\_\_\_\_